



General Assembly

***Substitute Bill No. 5132***

*February Session, 2000*

***An Act Concerning Disclosure Of Information.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Section 54-91a of the general statutes is repealed and the  
2       following is substituted in lieu thereof:

3       (a) No defendant convicted of a crime, other than a capital felony,  
4       the punishment for which may include imprisonment for more than  
5       one year, may be sentenced, or [his] the defendant's case otherwise  
6       disposed of, until a written report of investigation by a probation  
7       officer has been presented to and considered by the court, if [(1)] the  
8       defendant is so convicted for the first time in this state; [or (2) his  
9       record, as shown by the prosecuting official, discloses a conviction  
10      obtained prior to five years from the finding of guilty in the present  
11      prosecution;] but any court may, in its discretion, order a presentence  
12      investigation for a defendant convicted of any crime or offense other  
13      than a capital felony.

14      (b) A defendant who is convicted of a crime and is not eligible for  
15      sentence review pursuant to section 51-195 may, with the consent of  
16      the sentencing judge and the prosecuting official, waive the  
17      presentence investigation.

18      (c) Whenever an investigation is required, the probation officer shall  
19      promptly inquire into the circumstances of the offense, the attitude of

20 the complainant or victim, or of the immediate family where possible  
21 in cases of homicide, and the criminal record, social history and  
22 present condition of the defendant. Such investigation shall include an  
23 inquiry into any damages suffered by the victim, including medical  
24 expenses, loss of earnings and property loss. All local and state police  
25 agencies shall furnish to the probation officer such criminal records as  
26 the probation officer may request. When in the opinion of the court or  
27 the investigating authority it is desirable, such investigation shall  
28 include a physical and mental examination of the defendant. If the  
29 defendant is committed to any institution, the investigating agency  
30 shall send the reports of such investigation to the institution at the time  
31 of commitment. Such investigation shall include an inquiry into  
32 whether the Department of Correction recommends that the defendant  
33 participate in a special alternative incarceration program in accordance  
34 with section 53a-39b.

35 (d) Any information contained in the files or report of an  
36 investigation pursuant to this section shall be available to the Office of  
37 the Bail Commission for the purpose of performing the duties  
38 contained in section 54-63d and to the Department of Mental Health  
39 and Addiction Services for purposes of diagnosis and treatment.

40 Sec. 2. Subsection (a) of section 54-142m of the general statutes is  
41 repealed and the following is substituted in lieu thereof:

42 (a) A criminal justice agency holding nonconviction information  
43 may disclose it to persons or agencies not otherwise authorized (1) for  
44 the purposes of research, evaluation or statistical analysis or (2) if there  
45 is a specific agreement with a criminal justice agency to provide  
46 services required for the administration of criminal justice pursuant to  
47 such agreement. The judicial branch may disclose nonconviction  
48 information to a state agency pursuant to an agreement to provide  
49 services related to the collection of moneys due. Any such disclosure of  
50 information shall be limited to that information necessary for the  
51 collection of moneys due. Pursuant to an agreement, the judicial  
52 branch may disclose nonconviction information to the Department of

53 Mental Health and Addiction Services for the administration of court-  
54 ordered evaluations and the provision of programs and services to  
55 persons with psychiatric disabilities and substance abuse treatment  
56 needs.

**JUD Committee Vote:** Yea 39 Nay 0 JFS